

Case 1:19-mr-00974-JHR Document 2 Filed 08/15/19 Page 1 of 4

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the
District of New Mexico

In the Matter of the Search of)
 (Briefly describe the property to be searched)
 or identify the person by name and address)
 825 North Riverside Drive, Espanola, New Mexico 87532)
 further described in attachment A)
)

Case No.

19MR974

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the State and District New Mexico of

(identify the person or describe the property to be searched and give its location):
 See attachment A, attached and incorporated herein by reference.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

See attachment B, attached and incorporated herein by reference.

YOU ARE COMMANDED to execute this warrant on or before August 29, 2019 (not to exceed 14 days) in the daytime 6:00 a.m. to 10:00 p.m. at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Jerry H. Ritter (United States Magistrate Judge).

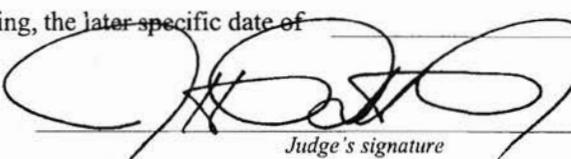
Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for _____ days (not to exceed 30) until, the facts justifying, the later specific date of _____.

Date and time issued: 8/15/19 2:36 p.m.

City and state:

Albuquerque, NM


Judge's signature

Jerry H. Ritter U.S. Magistrate Judge
Printed name and title



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Return		
Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of:		
Inventory of the property taken and name of any person(s) seized:		
Certification		
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.		
Date:	<i>Executing officer's signature</i>	
	<i>Printed name and title</i>	

Case 1:19-mr-00974-JHR Document 2 Filed 08/15/19 Page 3 of 4

ATTACHMENT A

The property to be searched for photographs and scanning is located at 825 North
Riverside Drive, Espanola, New Mexico 87532.

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ATTACHMENT B*Property to be seized*

All evidence of violations of 18 U.S.C § 1152, Crimes in Indian Country, and 18 U.S.C § 1111(a), murder.

- Photographs
- Spherical photography (360 degree photography)
- 3D scanning (Scanning of the exterior property in order to make a model)
- Trajectory analysis
 - Ejection pattern test (to identify where the shooter and victim were during the crime)
- Videography

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FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 106 (Rev. 04/10) Application for a Search Warrant

AUG 15 2019

UNITED STATES DISTRICT COURT

for the
District of New MexicoMITCHELL R. ELFERS
CLERK

In the Matter of the Search of
 (Briefly describe the property to be searched
 or identify the person by name and address)

)
)
 825 North Riverside Drive, Espanola, New Mexico 87532
 is to be searched as more fully described in Attachment
 A)
)

Case No. 19MR-974

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

825 North Riverside Drive, Espanola, New Mexico 87532 is to be searched as more fully described in Attachment A located in the _____ State and _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See Attachment B, as attached hereto and incorporated herein.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C § 1152	Crimes in Indian Country
18 U.S.C § 1111(a)	Murder

The application is based on these facts:

See attached affidavit (sealed)

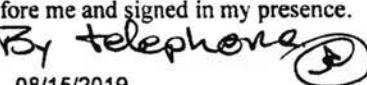
Continued on the attached sheet.
 Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.


Applicant's signature

Travis Taylor, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.


By telephone

Date: 08/15/2019

City and state: Albuquerque, NM


Judge's signature

Jerry H. Ritter U.S. Magistrate

Printed name and title


Judge

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN THE MATTER OF THE SEARCH OF)
825 North Riverside Drive, Espanola, New Mexico 87532,)
3D reconstruction photographs and video of the property)

Case No. _____

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR A SEARCH WARRANT**

I, Travis Taylor, Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice, having been duly sworn, state:

A. Introduction

I make this affidavit in support of an application by the United States pursuant to Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the residence located at 825 North Riverside Drive, Espanola, New Mexico 87532, as further described in attachment A, for the purposes of having a FBI team take further spherical photos, videos, and scan mapping in order to create a 3D model and conduct trajectory analysis of the crime scene, as further described in Attachment A.

As set forth herein, there is probable cause to believe that searching the residence to make 3D models, and trajectory analysis of the crime scene will lead to evidence of violations of Federal Laws, including Title 18, United States Code, Section 1152, Crimes in Indian Country, and Title 18 United States Code, Section 1111(a), Murder, as further described in Attachment B.

B. Training and Experience

1. I am a Special Agent (SA) of the Federal Bureau of Investigation, and have been

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since September 2017. I am currently assigned to the Albuquerque Division, Santa Fe Resident Agency. During my employment with FBI, I have conducted numerous investigations for suspected violations of federal law, including terrorism and crimes of violence. I have received training in how to conduct complex investigations and I have previously participated in the execution of arrest and search warrants involving federal violations. My investigative training and experience includes, but is not limited to, conducting surveillance, interviewing subjects, targets and witnesses, writing affidavits for and executing search and arrest warrants, managing confidential human sources and cooperating witnesses/defendants, issuing subpoenas, collecting evidence, and analyzing public records.

2. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other employees of the FBI, members of other law enforcement agencies, and from records and documents that I and others have reviewed. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to demonstrate probable cause for the issuance of the requested search warrant.

B. Probable Cause

3. On May 5, 2018, at approximately 1:17AM, Espanola Police Department (EPD) was dispatched to the Western Winds Motel, 825 North Riverside Drive, Espanola, New Mexico, after the manager, DOUGLAS SMITH, shot an unknown female with a .22LR handgun after he allegedly observed her attempting to break into his mother's camper trailer.

4. After the initial crime scene investigation was completed by EPD, EPD Detective Byron Abeyta proceeded to the EPD to interview SMITH about the incident. SMITH was read his Miranda Rights in the interview room and agreed to be interviewed.

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5. The following information was provided by SMITH to Detective Abeyta during the interview:

6. SMITH has three motion sensors in his yard that alert him with an audible sound in his house if there is movement outside. Prior to the incident, the motion sensors went off twice, and were approximately one hour apart.

7. SMITH stated that he conducted checks outside of his residence when the motion sensors went off; however, SMITH did not locate anything during those two checks. SMITH also stated that he takes a pistol with him when he exits his house at night. SMITH also took a plastic bag of .22 rounds with him.

8. SMITH was lying in bed when the alarm went off for a third time, and put on shoes and a jacket to go outside and check. He stepped onto his porch thinking it was raccoons, and observed the shadow of a person attempting to hide behind bushes and staring at him near the door of his mother's camper trailer.

9. SMITH began shooting toward the left of the camper from the porch. SMITH stated that the shadow began running to the left after the first shot, and SMITH continued to shoot in the same general direction of the person, as he has done on a prior occasion with another person on his property.

10. After shooting several rounds, SMITH began to try to reload his pistol because he didn't know if there were more people or if that person would shoot back. SMITH was not able to reload his gun and began to search the area after re-inserting the magazine.

11. During his search, SMITH observed a body on the ground as he walked around the residence in a counterclockwise manner. SMITH's neighbor opened her door and he told her

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that he had just shot someone. The neighbor then advised him to contact the police so he called 911.

12. SMITH stated that he was instructed to place the gun away from him and wait for officers to arrive.

13. During EPD's investigation, it was discovered that 825 North Riverside Drive, Espanola, New Mexico, is located within the exterior boundaries of the Santa Clara Pueblo.

14. Also during EPD's investigation, the victim's identity was discovered to be M.G. hereinafter referred to as Jane Doe, and the victim was determined to be a registered member of the Santa Clara Pueblo. SMITH is non-Indian.

15. After it was discovered that the incident occurred in Indian Country, and that the victim was Indian, the Santa Fe Resident Agency (SFRA) of the FBI was later contacted.

16. Special Agent Travis Taylor contacted Detective Abeyta on 05/07/2018 to ask follow up questions. Detective Abeyta informed Special Agent Travis Taylor that the victim sustained one fatal gunshot wound to her upper left temple with no exit wound.

17. Per Detective Abeyta's report, no weapons or burglary tools were located near Jane Doe's body.

18. On 05/07/2018, SMITH was arrested on probable cause and taken into federal custody. He was then transported to the SFRA where he was interviewed by FBI Special Agents (SA's) Michelle Cobb and Travis Taylor.

19. During the interview, SMITH re-iterated what he had told EPD Detective Abeyta, and added that he has in the past fired warning shots at trespassers on his property. SMITH drew a picture of the property outlining where he was and where Jane Doe was when he began

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shooting. SMITH indicated that when he first saw Jane Doe, she made no moves towards him nor did he see anything in her hands. Smith also stated he did not leave the porch when he shot at Jane Doe.

Summary

20. At the time of the incident with Douglas SMITH, Jane Doe was a registered member of the Santa Clara Pueblo. The incident occurred at 825 North Riverside Drive, Espanola, New Mexico, which lies within the exterior boundaries of the Santa Clara Pueblo. Douglas SMITH is a non-Indian.

21. Your affiant believes, based on the evidence that SMITH acted with malice aforethought and with a reckless disregard for human life while shooting at an unarmed individual, thereby committing the crime of second degree murder. In view of the above facts, your affiant submits there is probable cause to believe that on or about May 5, 2018, Douglas SMITH, a non-Indian, did murder Jane Doe., an Indian. The incident occurred within the District of New Mexico, in violation of Title 18, United States Code, Section 1152, Crimes in Indian Country, and Title 18, United States Code, Section 1111(a), Murder.

22. Your affiant believes that further spherical photos, videos, and scan mapping and trajectory analysis of the property will provide further evidence of the aforementioned crimes that occurred on May 5, 2018, further described in Attachment B.

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D. Conclusion

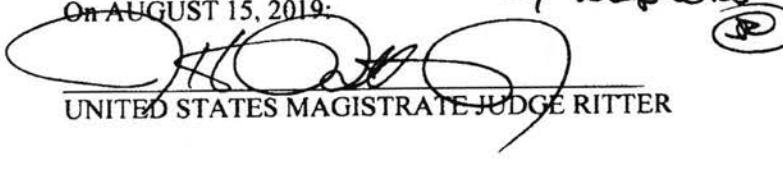
WHEREFORE, I respectfully request the Court issue a warrant authorizing a search of the residence to take spherical photos, videos, trajectory analysis and scan mapping of the exterior of the property of 825 North Riverside Drive, Espanola, New Mexico 87532, further described in Attachment A. I also request that the warrant and order authorize members of the FBI, and other authorized law enforcement agents acting under the direction of the FBI, to execute the search warrant. I declare under penalty of perjury the statements above are true and correct to the best of my knowledge and belief.

Assistant United States Attorney Novaline Wilson has reviewed and approved this affidavit for legal sufficiency.

Respectfully submitted,


Travis Taylor
Special Agent
FEDERAL BUREAU OF
INVESTIGATION

Subscribed and sworn to before me
On AUGUST 15, 2019:


UNITED STATES MAGISTRATE JUDGE RITTER

Case 1:19-mr-00974-JHR Document 1 Filed 08/15/19 Page 8 of 9

ATTACHMENT A

The property to be searched for photographs and scanning is located at 825 North
Riverside Drive, Espanola, New Mexico 87532.

Case 1:19-mr-00974-JHR Document 1 Filed 08/15/19 Page 9 of 9

ATTACHMENT B*Property to be seized*

All evidence of violations of 18 U.S.C § 1152, Crimes in Indian Country, and 18 U.S.C § 1111(a), murder.

- Photographs
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- 3D scanning (Scanning of the exterior property in order to make a model)
- Trajectory analysis
 - Ejection pattern test (to identify where the shooter and victim were during the crime)
- Videography

Case 1:19-mr-00974-JHR Document 3 Filed 02/19/20 Page 1 of 2

AO 93 (Rev. 11/13) Search and Seizure Warrant

FILEDUNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICOfor the 20 FEB 19 AM 11:03
District of New Mexico

In the Matter of the Search of)
 (Briefly describe the property to be searched)
 or identify the person by name and address)
 825 North Riverside Drive, Espanola, New Mexico 87532)
 further described in attachment A)
)

CLERK-ALBUQUERQUE
Case No. 19MR974**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the State and District New Mexico
 (identify the person or describe the property to be searched and give its location).
 See attachment A, attached and incorporated herein by reference.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

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YOU ARE COMMANDED to execute this warrant on or before August 29, 2019 (not to exceed 14 days)
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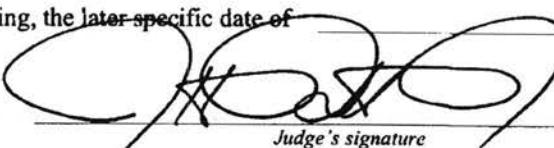
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The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Jerry H. Ritter
 (United States Magistrate Judge)

Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

for _____ days (not to exceed 30) until, the facts justifying, the later specific date of _____

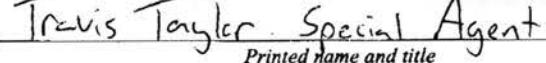
Date and time issued: 8/15/19 2:36 p.m.


 Judge's signature

City and state: Albuquerque, NM

Jerry H. Ritter U.S. Magistrate
 Printed name and title


AO 93 (Rev. 11/13) Search and Seizure Warrant (Page 2)

Return		
Case No.: 14MR 974	Date and time warrant executed: 8/22/2019 9:15AM	Copy of warrant and inventory left with: Douglas Smith
Inventory made in the presence of: SA Travis Taylor		
Inventory of the property taken and name of any person(s) seized: <ul style="list-style-type: none">- No items taken- 3D scans were made of the property as well as photography		
Certification		
I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.		
Date: 2/19/2020	 _____ Executing officer's signature	
 _____ Printed name and title		